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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,100	03/19/2001	Johann Schluselbauer	250-117	9671
616	7590	02/20/2004	EXAMINER	
THE MAXHAM FIRM 750 "B" STREET, SUITE 3100 SAN DIEGO, CA 92101			LAZOR, MICHELLE A	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,100

Applicant(s)

SCHLUSSELBAUER, JOHANN

Examiner

Michelle A Lazor

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3/19/01.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Claims 1 – 3 in paper received 1/12/04 is acknowledged. The traversal is on the ground(s) that the non-elected claims include “means” for practicing the process, and as such are “linking claims”. This is not found persuasive because the method claim must have an explicit recitation directed to a step of clamping relating to claimed means in the apparatus claims.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the clamping means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 3 recite the limitation "the (individual) mold components" in page 2, line 8 and page 3, line 2. There is insufficient antecedent basis for this limitation in the claim. It is unclear to which mold components the claim is referring to, either the mold core or exterior mold or other components.

Art Unit: 1734

5. Claim 3 recites the limitation "the clamping means" in page 3, line 5. There is insufficient antecedent basis for this limitation in the claim. It is unclear if the clamping means are a type of connecting means, as specified in Claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hvidegaard (WO 9857786) in view of Spragg (U.S. Patent No. 5902528).

Hvidegaard discloses a method for the automatic production of hollow bodies from a mixed material, comprising: filling concrete material into a mold space between a mold core and an exterior mold in uniform distribution; forming an upper centering end by pressing an upper sprue into the unset concrete (page 6, lines 16 – 25); assembling at least some of the mold components by means of releasable connecting means as an assembly area previous to a mold change and transporting the assembly into a molding area as a pre-assembled assembly (page 2, lines 6 – 21; page 3, lines 1 – 5); automatically disassembling the mold components in the modeling area depending on the production requirements; reassembling the mold components in the molding area for a new mold exchange; moving the reassembled mold components away from the molding area as an assembly via a carousel (page 4, lines 15 – 30); installing the individual mold components in an exchangeable housing in the assembly area; positioning the

individual mold components in the molding area together with the exchangeable housing; and automatically releasing and reactivating clamping means between the individual mold components and the exchangeable housing previous to the removal of the assembly in the molding area in accordance with the production requirements (page 7, line 32 – page 8, line 4 and page 4, lines 15 – 30); but does not specifically disclose compressing the mixed material in the mold space by shaking, and does not disclose removing the formed molded body from the mold by vertical extraction and transport to a drying area. However, Spragg discloses using vibrating means for compressing concrete in a mold space (column 8, lines 5 – 10), and discloses removing a formed molded body from a mold by vertical extraction and transport to a drying area (column 8, lines 38 – 46). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use vibrating means for compressing concrete in a mold space to facilitate elimination of entrapped air bubbles (column 8, lines 5 – 8); and it would have been obvious to remove a formed molded body from a mold by vertical extraction and transport to a drying area so that the article can fully cure outside of the mold (column 8, lines 44 – 46).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hvidegaard and Spragg as applied in Claim 1, in view of Fischer (U.S. Patent No. 3888960).

Hvidegaard and Spragg disclose all the limitations of Claim 1, including clamping means (page 7, line 32 – page 8, line 4) but do not specifically disclose clamping members, which are motor-operated by pressure means. However, Fischer discloses clamping members, which are motor-operated by pressure means (column 3, lines 30 – 34). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use clamping members,

which are motor-operated by pressure means since it is well known and conventional to use clamps, which are motor-operated by pressure means, as shown by Fischer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle A Lazor whose telephone number is 571-272-1232. The examiner can normally be reached on Mon - Wed 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



MAL
1/28/04



MICHAEL COLAIANNI
PRIMARY EXAMINER